

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

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In re:

PROMESA
Title III

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 3283-LTS
(Jointly Administered)

THE COMMONWEALTH OF PUERTO RICO,
et al.,

Debtors.¹

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In re:

PROMESA
Title III

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

Case No. 17-04780 (LTS)

PUERTO RICO ELECTRIC POWER
AUTHORITY,

Debtor.²

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ORDER REGARDING MATTERS ORIGINALLY NOTICED FOR OCTOBER 4, 2017 OMNIBUS HEARING

The Court previously adjourned the Omnibus hearing that had been scheduled for October 4, 2017 to a date to be determined by the Court. After consideration of the informative motions filed by parties in interest regarding the timing of that Omnibus hearing and the submissions filed in connection therewith, it is hereby ordered as follows:

- A. Matters to be taken on Presentment: Unless written objections are filed with the Court by **October 6, 2017 at 12:00 p.m.** (prevailing Atlantic Standard Time), no hearing will be held in connection with the matters listed below and such matters will be taken on

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); and (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

² The last four (4) digits of PREPA's federal tax identification number are 3747.

submission. To the extent objections are filed, replies must be filed by **October 10, 2017 at 12:00 p.m.** (prevailing Atlantic Standard Time). After the completion of briefing, such matters will be taken on submission unless the Court determines a hearing is necessary and enters an order scheduling such hearing.

1. **FTI Consulting Retention Application.** Application of the Official Committee of Retired Employees of the Commonwealth of Puerto Rico for Order Approving the Employment of FTI Consulting, Inc. (Case No. 17-3283, Docket Entry No. 877.)
2. **Casilla, Santiago & Torres Retention Application.** Application of Official Committee of Unsecured Creditors for Employment of Casillas, Santiago & Torres, LLC as Local Counsel to Committee. (Case No. 17-3283, Docket Entry No. 884.)
3. **Retiree Committee Information Access Motion.** Motion of the Official Committee of Retired Employees of the Commonwealth of Puerto Rico for Order (i) Establishing Procedures for Retiree Access to Information Pursuant to 11 U.S.C. §§ 105(a), 1102(b)(3) and 1103(a) and (ii) Employing Marchand ICS Group in Connection Therewith. (Case No. 17-3283, Docket Entry No. 1280.)
4. **U.S. Trustee's Urgent Motion to Appoint Examiner.** Urgent Motion of the United States Trustee Pursuant to PROMESA Sections 316 and 317 and Bankruptcy Code Section 105(a) for Entry of Order Appointing a Fee Examiner and Related Relief. (Case No. 17-3283, Docket Entry Nos. 1296, 1306; Case No. 17-4780, Docket Entry No. 297, 302)
5. **Debtors' Case Management Order Amendment Motion.** Debtors Entities' Motion to Amend Second Amended Notice, Case Management and Administrative Procedures to Further Revise Protocol for Stay Relief Motions. (Case No. 17-3283, Docket Entry No. 1299; Case No. 17-3284, Docket Entry No. 219; Case No. 17-3567 in Docket Entry No. 268; Case No. 17-3566 in Docket Entry No. 205; Case No. 17-4780, Docket Entry No. 306.)
6. **PREPA Joint Administration Motion.** Motion for Order (a) Pursuant to PROMESA Section 304(g), Directing Joint Administration of Initial Title III Cases and Additional Title III Case, (b) Pursuant to Section 105(a) of the Bankruptcy Code, Making Certain Orders Entered in the Initial Title III Cases Applicable to the Additional Title III Case, and (c) Pursuant to Section 105(a) of the Bankruptcy Code, Maintaining the Effect of Certain Pleadings Filed in the Additional Title III Case. (Case No. 17-4780, Docket Entry No. 250; Case No. 17-3283, Docket Entry No. 1149.)
7. **PREPA's Removal Extension Motion.** PREPA's Motion for Entry of Order Pursuant to Rule 9006(b) of the Federal Rules of Bankruptcy Procedure Enlarging the

Time within Which to File Notices of Removal Pursuant to Bankruptcy Rule 9027. (Case No. 17-4780, Docket Entry No. 284.)

8. **PREPA's PRIDCO Lease Rejection Motion.** PREPA's Motion for Entry of an Order Authorizing PREPA to Reject the PRIDCO Lease *Nunc Pro Tunc*. (Case No. 17-4780, Docket Entry No. 291.)

B. Matters to be taken on Submission after the Completion of Briefing: Objections to the following matters must be filed by **October 6, 2017 at 12:00 p.m.** (prevailing Atlantic Standard Time) and replies must be filed by **October 10, 2017 at 12:00 p.m.** (prevailing Atlantic Standard Time). After the completion of briefing, such matters will be taken on submission unless the Court determines a hearing is necessary and enters an order scheduling such hearing.

1. **Siemens Motion to File Under Seal.** Consented Motion for Leave to File Claim under Seal in Case No. 17-3567. (Case No. 17-3283, Docket Entry No. 1089; Case No. 17-3567, Docket Entry No. 248.)
2. **COFINA Agent's Confirming Retention of Local Counsel.** COFINA Agent's Motion Pursuant to 48 U.S.C. § 2161 and 11 U.S.C. § 105(a) for Order: (I) Confirming that 48 U.S.C. § 2125 Applies to COFINA Agent; (II) Confirming Retention of Local Counsel; and (III) Clarifying Payment of Fees and Expenses of COFINA Agent and her Professionals. (Case No. 17-3283, Docket Entry No. 1121.)
3. **COFINA Agent's Centerview Partners LLC Retention Application.** Application of COFINA Agent for Entry of Order Authorizing Retention of Centerview Partners LLC as Financial Advisor and Expert. (Case No. 17-3283, Docket Entry No. 1273.)
4. **Coopertiva De Seguros Motion for Clarification.** Cooperativa De Seguros Multiples' Motion for Clarification of Automatic Stay and in the Alternative Relief from the Automatic Stay. (Case No. 17-3283, Docket Entry No. 1276.)

C. Matters Adjourned to the November 15, 2017 Omnibus Hearing: The following matters are adjourned to the Omnibus hearing scheduled for November 15, 2017. The filing deadlines, including any objections or replies relating to such matters, shall be governed by Section III of the Second Amended Case Management Procedures. A separate order will be entered regarding the location and attendance procedures for the November Omnibus hearing.

1. **Tamrio Motion to Compel.** Motion to Compel the Puerto Rico Highways and Transportation Authority to Assume or Reject Executory Contracts. (Case No. 17-3283, Docket Entry No. 614; Case No. 17-3567, Docket Entry No. 192; Case No. 17-3566, Docket Entry No. 167.)

2. **Constructora Santiago II, Corp. Motion to Compel.** Motion to Compel the Puerto Rico Highways and Transportation Authority to Assume or Reject Executory Contracts. (Case No. 17-3283, Docket Entry No. 627; Case No. 17-3567, Docket Entry No. 194; Case No. 17-3566, Docket Entry No. 168.)
3. **Ferrovial SA Motion to Compel.** Motion to Compel the Puerto Rico Highways and Transportation Authority to Assume or Reject Executory Contracts. (Case No. 17-3283, Docket Entry No. 685; Case No. 17-3567, Docket Entry No. 203; Case No. 17-3566, Docket Entry No. 174.)
4. **Ferrovial Agroman LLC Motion to Compel.** Motion to Compel the Puerto Rico Highways and Transportation Authority to Assume or Reject Executory Contracts. (Case No. 17-3283, Docket Entry No. 686; Case No. 17-3567, Docket Entry No. 204; Case No. 17-3566, Docket Entry No. 175.)
5. **Rexach Lift Stay Motion.** Motion for Modification of the Automatic Stay. (Case No. 17-3283, Docket Entry No. 770; Case No. 17-3567, Docket Entry No. 212.)
6. **Bar Date Motion.** Motion for Order (A) Establishing Deadlines and Procedures for Filing Proofs of Claim and (B) Approving Form and Manner of Notice Thereof. (Case No. 17-3283, Docket Entry No. 1286; Case No. 17-4780, Docket Entry No. 295.)
7. **Siemens Transportation Rule 2004 Motion.** Siemens Transportation Partnership, S.E.'s Motion for Authorization to Conduct Examination of the Government Development Bank for Puerto Rico, Carlos Vizcarrondo and Hector Betancourt, Pursuant to Federal Rule of Bankruptcy Procedure 2004 and Local Bankruptcy Rule 2004-1. (Case No. 17-3567, Docket Entry No. 272.)
8. **National Public Finance Guarantee Corp. Rule 2004 Motion.** Motion of National Public Finance Guarantee Corporation for Entry of an Order Pursuant to Bankruptcy Rule 2004 Authorizing Discovery. (Case No. 17-3283, Docket Entry No. 1177.)
9. **Ambac Rule 2004 Motion.** Ambac Assurance Corporation's Motion for Entry of Order Authorizing Discovery under Bankruptcy Rule 2004. (Case No. 17-3283, Docket Entry No. 1283.)
10. **Creditors' Committee Rule 2004 Motion.** Motion of Official Committee of Unsecured Creditors for Order, Under Bankruptcy Rule 2004, Authorizing Discovery Program with Respect to Certain Causes of Puerto Rico Financial Crisis). (Case No. 17-3283, Docket Entry No. 706.)

11. **GO Bondholders, Assured Guaranty & Mutual Fund Group Rule 2004 Motion.** Joint Motion by the Ad Hoc Group of General Obligation Bondholders, Assured Guaranty Corp. Assured Guaranty Municipal Corp., and the Mutual Fund Group for Order Authorizing Rule 2004 Examination. (Case No. 17-3283, Docket Entry No. 1178.)

D. Intervention Motions: Separate orders were previously issued regarding supplemental briefing in connection with the matters listed below. To the extent the Court determines a hearing is necessary with respect to any such matter, a separate order will be entered.

1. **Creditors' Committee Motion to Intervene in Assured Guaranty Corp. vs. Commonwealth Adversary Proceeding.** Motion of Official Committee of Unsecured Creditors for Leave to be Heard And/or to Intervene Under Bankruptcy Code Section 1109(b) And/or Bankruptcy Rule 7024. (Case No. 17-ap-155, Docket Entry No. 61; Case No. 17-ap-156, Docket Entry No. 63.)
2. **Creditors' Committee Motion to Intervene in Ambac v. Commonwealth Adversary Proceeding.** Motion of Official Committee of Unsecured Creditors for Leave to be Heard And/or to Intervene Under Bankruptcy Code Section 1109(b) And/or Bankruptcy Rule 7024. (Case No. 17-ap-159, Docket Entry No. 69.)
3. **Creditors' Committee Motion to Intervene in ACP Master v. Commonwealth Adversary Proceeding.** Motion of Official Committee of Unsecured Creditors for Leave to be Heard And/or to Intervene Under Bankruptcy Code Section 1109(b) And/or Bankruptcy Rule 7024. (Case No. 17-ap-189, Docket Entry No. 40.)
4. **Creditors' Committee Motion to Intervene in Assured Guaranty v. PREPA Adversary Proceeding.** Motion of Official Committee of Unsecured Creditors for Leave to be Heard And/or to Intervene Under Bankruptcy Code Section 1109(b) And/or Bankruptcy Rule 7024. (Case No. 17-ap-232, Docket Entry No. 18.)
5. **Creditors' Committee Motion to Intervene in UTIER v. PREPA Adversary Proceeding.** Motion of Official Committee of Unsecured Creditors for Leave to be Heard And/or to Intervene Under Bankruptcy Code Section 1109(b) And/or Bankruptcy Rule 7024. (Case No. 17-ap-228, Docket Entry No. 24.)

E. Additional Matters: Scheduling of the following matters will be addressed by separate order.

1. **Retiree Committee Motion to Intervene in ACP Master v. Commonwealth adversary proceeding.** Motion of Official Committee of Retired Employees of the Commonwealth of Puerto Rico for Leave to Intervene Under Bankruptcy Rule 7024. (Case No. 17-ap-189, Docket Entry No. 23.)

2. **Retiree Committee Motion to Intervene in Altair v. Commonwealth adversary proceedings.** Motion of Official Committee of Retired Employees of the Commonwealth of Puerto Rico for Leave to Intervene Under Bankruptcy Rule 7024. (Case No. 17-ap-219, Docket Entry No. 14; Case No. 17-ap-220, Docket Entry No. 16.)
3. **AFSCME's Stay Motion.** Motion of American Federation of State, County and Municipal Employees to Stay Proceeding or, in the Alternative, (i) Consolidate Proceedings or (ii) for Leave to Intervene Under Federal Rule of Bankruptcy Procedure 7024. (Case No. 17-ap-250, Docket Entry No. 4; Case No. 17-ap-242, Docket Entry No. 7.)
4. **UAW, SEIU and AFL-CIO's Intervention Motion.** Motion of International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW) Service Employees International Union and American Federation of Teachers, AFL-CIO to Intervene Under Federal Rule of Bankruptcy Procedure 7024. (Case No. 17-ap-250, Docket Entry No. 10.)

SO ORDERED.

Dated: September 29, 2017

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge